

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OAK NON-PROFIT APARTMENTS, INC.,

Plaintiff,

Case Nos. 05-60107, 05-60170

v.

Honorable John Corbett O'Meara

WILLIAM PATTERSON,

Defendant.

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF'S MOTION TO REMAND**

This matter came before the court on Plaintiff's May 23, 2005 motion for remand. No response was filed, and no oral argument was heard.

Pursuant to 28 U.S.C. § 1446(b), a notice of removal "shall be filed within thirty days after the receipt by the defendant . . . of the initial pleading." The statute is strictly construed. If a defendant fails to file notice of removal in a timely fashion, the action must be remanded. *See Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S. 344, 348-49 (1999). In this case defendant Patterson filed notice of removal more than six months after receipt of the initial pleading.

Therefore, it is hereby **ORDERED** that Plaintiff's May 23, 2005 motion for remand is **GRANTED**.

It is further **ORDERED** that Case No. 05-60107 is **REMANDED** to 44<sup>th</sup> District Court.

It is further **ORDERED** that Case No. 05-60170 is **DISMISSED**.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: August 22, 2005